

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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YOLLY CARABALLO, o/b/o Minor O.G.,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting Commissioner  
of Social Security Administration,

Defendant.

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No. 2:16-cv-03179

**ORDER**

Pursuant to 42 U.S.C. § 405(g), Plaintiff O.G.’s mother, Yolly Caraballo, challenges the final decision of the Commissioner of the Social Security Administration denying her application for Supplemental Security Income (“SSI”) benefits for her son. Carabello contends that the Commissioner’s final decision denying O.G.’s claim should be vacated and, because there is substantial evidence in the record to find O.G. disabled under the Social Security Act, O.G. should be awarded benefits. *See* Pl.’s Mot. Summ. J., ECF No. 9.

On April 19, 2017, United States Magistrate Judge Timothy R. Rice filed a Report and Recommendation in which he determined that the Administrative Law Judge lacked substantial evidence to support his findings that O.G. had a less than marked limitation in the domain of attending and completing tasks. ECF No. 14. On this basis, Judge Rice recommended that this case be remanded to the Commission for further review consistent with his Report and Recommendation.

Neither the Commissioner nor Caraballo has objected to Magistrate Rice’s Report and Recommendation. Accordingly, upon review of the Report and Recommendation, and having

determined that “there is no clear error on the face of the record,” *see* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 addition, the Court accepts the recommendation.

**ACCORDINGLY**, this 10<sup>th</sup> day of May, 2017, **IT IS ORDERED THAT:**

1. The Report and Recommendation, ECF No. 14, is **APPROVED** and **ADOPTED**;
2. This case is **REMANDED** to the Commission for further review consistent with the Report and Recommendation;
3. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge